

*United States Court of Appeals  
for the Second Circuit*



**APPELLEE'S  
APPENDIX**



**74-1410**

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**United States Court of Appeals**

**FOR THE SECOND CIRCUIT**

**Docket No. 74-1410**

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UNITED STATES OF AMERICA

*Appellee,*

—against—

ANDREW FUREY,

*Appellant.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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**GOVERNMENT'S APPENDIX**

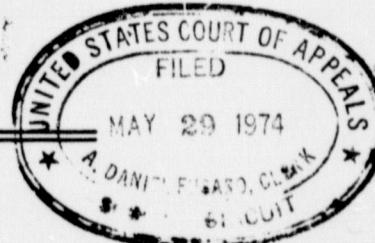
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DAVID G. TRAGER,  
*United States Attorney,*  
*Eastern District of New York.*

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**PAGINATION AS IN ORIGINAL COPY**

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A 1

73 CR 608

DOOLING, J.

**CLOSED**

**CRIMINAL DOCKET**

**TITLE OF CASE**

**ATTORNEYS**

## THE UNITED STATES

*For U.S.: D. DePetris*

115.

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**ANDREW FUREY**

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**For Defendant:**

Dis possess with intent to distribute narcotics.

DATE	PROCEEDINGS
6/21/73	Information filed.
6/21/73	Before JUDD, J.- Deft present with counsel-Deft signs form agreed to be treated as a juvenile offender.
11/27/73	Magistrate's file 73M2243 and 72M51 inserted into criminal file 73CR608
12-13-73	Before BARTELS, J.- Case called- Deft and counsel John Dwyer present- Deft moves to dismiss on the grounds that it has been over 6 months since arrest- Decision reserved- Motion to be submitted in writing- Case adjd to 12-20-73 at 4:30 P.M. for motion
12-18-73	Notice of motion to dismiss the indictment, inspection, etc. filed
12/20/73	Affidavit of D. DePetris filed.
12/24/73	Memorandum of Law of deft filed.
12/24/73	Notice of Readiness for Trial filed.
12/24/73	Before DOOLING, J.- Case called- Deft and counsel present-Conference held and adjd to 12/21/73 for hearing
12/24/73	Before DOOLING, J.- Case called- Deft and counsel present-Deft after being advised of his rights consents to being tried as a juvenile delinquent-Hearing Ordered and begun-Both sides rest-Decision reserved.
12-27-73	By DOOLING, J.- Memorandum and Order filed that motion for an order dismissing the juvenile proceedings is denied- And that alternative motion to produce for inspection certain documents is denied, etc.
1-2-74	Attorney's Affirmation filed
1-2-74	Notice of motion for stay of trial presently scheduled for 1-2-74 filed, (motion dated 12-31-73)
1-2-74	By DOOLING, J.- Order filed that motion for a stay is denied and hearing will convene at 2:00 P.M. on 1-2-74
1-2-73	Before DOOLING, J.- Case called- Deft juvenile and counsel present- Deft juvenile moves to suppress letter, etc.- Hearing ordered and begun on motion to suppress- Ordered and begun- Hearing contd to 1-3-74
1-3-74	Before DOOLING J - Case called - deft Juvenile & counsel R. Mooney present - Hearing resumed - Govt rests - Motion to suppress is denied - Parties stipulate that record of suppression hearing to constitute the record of adjudication - hearing concluded - Findings on the record Court finds that the delinquency charge was committed by the deft and he is a juvenile delinquent - bail continued - sentence adjd without

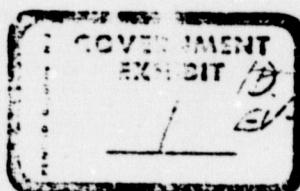
## **CRIMINAL DOCKET**

73CR608

DATE	PROCEEDINGS
1-21-74	Judgment received from the Court of Appeals filed -Ordered that a stay pending determination of said petition be denied. In view of this ruling the petition is dismissed as moot.
3-1-74	Before Dooling J - case called - adjd to 3-8-74 (sentence of Andrew Fu)
3-8-74	Before DOOLING, J.- Case called- Deft and counsel- On the finding that deft is a juvenile delinquent he is committed until he reaches the age of 21(deft advised of his right to appeal)- The deft will be released pursuant to the provisions of T-18, U.S.C. Sec. 3148 and 3146(a)(4) upon the payment of a surety bond of \$5,000.00 provided that the notice of appeal be filed today and the case be brought on for hearing in the U.S. C of A on the earliest possible date set by that court on prompt application to the court for a hearing date
3-8-74	Judgment and Commitment filed- certified copies to Marshal
3-8-74	Notice of appeal filed
3-8-74	Docket entries and duplicate of notice of appeal mailed to court of appeals
3-19-74	3 stenographers transcripts filed (dated Jan.2, Jan.3 and Mar 8, 1974)
3/22/74	Stenographer's transcript of 6/21/73 filed.
3-25-74	Record on Appeal certified and mailed to the Court of Appeals.
3-28-74	Acknowledgment received from court of appeals for receipt of record of appeal
3-28-74	Magistrate's file 74 M 361 inserted into CR file.
4-22-74	2 volumes of stenographic transcripts filed (pgs 1 to 150)
4/23/74	Supplemental Index on Appeal certified and mailed to the Court of Appeals filed.
4-26-74	Acknowledgment received from the Court of Appeals for receipt of supplemental index to record.

Consent To Search

12/19/72  
9AM



I Doris Furey hereby give my  
Consent To ~~Search~~ THE search of my Home  
By Agents of The Customs Agency Service  
Knowing ~~that~~ THAT anything THAT is  
FOUND may be used against me & others  
Being advised of same by the  
aforementioned Agents.

Doris Furey

Mrs. Doris Furey

S/A Oberhiller  
S/A Joseph Cunn

**Government's Exhibit 1-A****(Letter dated November 17)**

Nov. 17

Brothers dear, Bud and Ed.

What's happening in New Delhi? There ain't nothing happening in New York!!! Believe me you guys are really lucky you split when you did. The United States is getting fucked-up in a wierd way. Dig this, 1100 lbs of hashish was taken in N.Y.C. 300 lbs of weed were taken in Deer Park. It's getting to be almost impossible to score decent dope at a good price and all the while the people around me are either splitting or going strait. I just hope i can split before they fuck me up. I hope that being away from the states for a while hasn't built up images of what its like here. I hope you guys keep trucking and find a nice new HOME and good people in another place.

Through-out all the shit though there has been some good moments like hearing from you guys and i received Ed's letter 2 days ago with dope. I keep hearing about how you guys are sending me lbs. None have arrived yet but i understand how it is to get these things together so i'm being very patient. I have some money saved and if you send an lb to me at the going rate now in N.Y. i'll be able to FLY with the bread to you guys MYSELF in India which would be far-out. Right now i'm counting on your lb. to get me out of here and save my head and soul.

I wanted to send some pictures to you guys but photomat couldn't develop my film. Can you send me undeveloped pictures? I'll develope them.

Flash: phone just rang and good hash might come thru. Oh, god these deals are always falling thru. Wish i was there! Please send candle's. This place has been so bad

on my head i'm doing downs. Have to stop have to get out, mother yelling, police sirens: "Alright son here's your rights" . . . "What fucking rights?" i say. "You don't give young freaks one fucking right you pigs."

Please help me to be free! So i can get out of this country. I had a dream last night about afganistan. It was really weird. I was in the middle of a semi dessert and all of a sudden a cramped land rover came over a hill and you both were in the back with other people. The dream seemed so real i just screamed i was so happy to see you but i acually screamed and woke myself up and so it ended.

I hope you guys are staying **HEALTHY**—it's so important—I also hope your money is good but if it isn't i'll send you all the bread i have which isn't that much but if you really needed it i could send it by telegram. I just got a new triple beam scale!! Works great! If you don't have bread by the time you get this letter i'm enclosing \$560. American dollar so you won't be completely broke if you are at all. Buy some good food for yourselvs and just think of me.

OVER

LOVE ANDREW

AEROGRAMME

IF ANYTHING IS ENCLOSED  
THIS LETTER WILL BE SENT  
BY ORDINARY MAIL.

✓/11/12

AND

3

First fold here

← TH



PAKISTAN POSTAGE

75  
PAISA

PEN FUREY  
JEFFERY LANE  
NORTH BABYLON,  
NEW YORK 11703  
U.S.A.

1st fold here →

→ Fold here  
Postage

Sender's name and address :—

Buddy FREY  
% AMERICAN EMBASSY  
KARACHI, W. PAKISTAN

A

7

Brian & Timmy blew

Dear Andrew,

I hope you're home right now, to read this letter for you. Today, here, is ~~Tuesday~~ Tuesday. On C mail out 1 kilo of opium, in one parcel. If you have your name on it, ~~and~~ with a false return package, telegram to the American Embassy saying that you ["RECEIVED PARCEL"] → than be sent immediately. There will be no bush or parcel, (More if you come thru - plenty more sell the k, cable the money by American Exp (generally 1 week))  
the form of traveler's checks, or whatever you want; we must receive \$2000. There are 4 p This is the big trip. If you go and sell you can sell 6 or 7 and make a couple hundred for your head. Only more would not be so good. Keep in touch, and good luck.

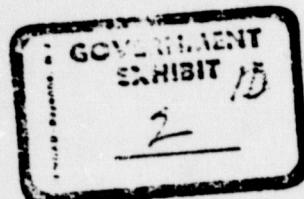
it!! Don't  
you!!

Tuesday  
Dec. 5, 1972



letter, because there is something on the  
Wednesday, tomorrow, we will  
will say "candles" on it. It will  
name. As soon as you get this  
to F.F., Karachi, West Pakistan,  
it's all you need to say. It must  
with it, so the price for this first  
) has to be \$2000. As soon as you  
areas, % F.F. Karachi. Send it in  
they do it. You must come  
people involved, so don't fuck up.  
1/4 pounds for at least \$400/each,  
hundred, and keep ~~as~~ one or two ounces  
cool, since opium is addictive!!  
with all your telegrams. Bud & Ed..

A 9



GOVERNMENT  
EXHIBIT 15

2

BIN 105

~~CLVR CORP/NY 6R 15962.00~~

14777:01

THE DEPARTMENT OF THE TREASURY BUREAU OF CUSTOMS		MAIL VIOLATIONS FORM		Month Day Year
Parcel turned over to	Mail Detention Number <b>72-560</b>	PORT <b>New York</b>	<input type="checkbox"/> AMT (air) <input type="checkbox"/> BMT (surface)	
PACKAGE CHARACTERISTICS		SIZE LENGTHWISE	COUNTRY	
<input checked="" type="checkbox"/> Air <input type="checkbox"/> Surface	<input checked="" type="checkbox"/> Parcel Post <input type="checkbox"/> Letter Class Mail <input type="checkbox"/> Tape or Film Mailers <input type="checkbox"/> Prints (AO Mail) <input type="checkbox"/> Registered	<input type="checkbox"/> Under 6 Inches <input checked="" type="checkbox"/> 6 to 12 Inches <input type="checkbox"/> 12 to 18 Inches <input type="checkbox"/> Over 18 Inches	<input type="checkbox"/> APO-FPO New York <input type="checkbox"/> United Kingdom <input type="checkbox"/> West Germany <input type="checkbox"/> Netherlands <input type="checkbox"/> France <input type="checkbox"/> Spain <input type="checkbox"/> Italy	<input type="checkbox"/> APO-FPO San Fran <input type="checkbox"/> Korea <input type="checkbox"/> Vietnam <input type="checkbox"/> Thailand <input type="checkbox"/> India <input type="checkbox"/> Israel <input type="checkbox"/> Morocco
METHOD OF DETECTION		DECLARED AS	<input type="checkbox"/> Jamaica <input type="checkbox"/> Mexico <input type="checkbox"/> Columbia	
		<input type="checkbox"/> Gift under \$10 <input type="checkbox"/> Gift under \$50 <input type="checkbox"/> Personal Possessions <input type="checkbox"/> Returned US Goods <input checked="" type="checkbox"/> Other (Specify below)	<input checked="" type="checkbox"/> PAKISTAN Other (Specify)	
TYPE OF VIOLATION		DECLARED VALUE	Any unusual package characteristics? <b>BROWN PAPER OUTER WRAPPER</b>	
		<input type="checkbox"/> Weapons <input type="checkbox"/> Ammunition <input type="checkbox"/> Heroin <input checked="" type="checkbox"/> Opium <input type="checkbox"/> Hashish <input type="checkbox"/> Marijuana <input type="checkbox"/> Pills <input type="checkbox"/> Other Narcotics	<p>PARCEL # 159</p> <p>How was contraband disguised? <b>FALSE DECLARATION</b></p> <p>REMARKS AM 12-14-72 UNDER METER STAMP?</p> <p>Found 8:20 A.M.</p> <p>Sender's Name and Address <b>FATHER FRANCIS ST. PATRICK SCHOOL SADDAR KARACHI PAK</b></p> <p>Addressee's Name and Address <b>ANDREW FUREY 3 JEFFERY LANE NORTH BABYLON NY 11703</b></p>	
Description of seizure. <b>OPUM WRAPPED IN GREEN TAPE + COTTON</b>		<input type="checkbox"/> Weight of seizure in pounds. <b>EST 1 LB</b>	<input type="checkbox"/> Date mailed as shown in APO canceler. <input type="checkbox"/> If APO Parcel show FULL 5 digit ZIP Code as shown in the cancel as well as any unit number.	
MAIL VIOLATIONS REPORT CUSTOMS FORM 3424 V Jan 1972				

GROSS 1 1/4 LB

SNIF

ARMAND MITNICK  
ARMAND MITNICK

SENDER	MAILED FROM	
<input type="checkbox"/> Army APO	<input type="checkbox"/> Army APO	
<input type="checkbox"/> AF APO	<input type="checkbox"/> AF APO	
<input type="checkbox"/> Naval FPO	<input type="checkbox"/> Naval FPO	
<input type="checkbox"/> Marine FPO	<input type="checkbox"/> Other	
<b>THEATER</b>		
Pacific	European    All Other	
<input type="checkbox"/> Vietnam	<input type="checkbox"/> Germany	<input type="checkbox"/> Morocco
<input type="checkbox"/> Thailand	<input type="checkbox"/> England	<input type="checkbox"/> Turkey
<input type="checkbox"/> Korea	<input type="checkbox"/> Spain	<input type="checkbox"/> Canal Zone
<input type="checkbox"/> Other Asia	<input type="checkbox"/> Other	<input type="checkbox"/> All Other

1963.08.16 10

100%

100% 100%

100% 100%

100% 100%

A

10

CHIT PARCEL  
WAX CANDLES  
MERRY CHRISTMAS

WILLIAM STEPHEN FORD  
NORTH BABYLON

NEW YORK 11703

U.S.A.

A II

A 12

DATE 12-18-72	LAB. NO. E30341
RECEIVED 12-18-72	TSUSA NO.
LAB	NY
ENTRY NO. <input type="checkbox"/> OR SEIZURE NO. CASE # NED <sup>b</sup> -14777.01	
MARKS	
ORIGIN	

SAMPLE

SEIZURE

SUBMITTED BY

S/A J. CORCORAN RM. 352

PORT

NY, NY.

NAME OF IMPORTER OR DEFENDANT

MAKER

DFDT. ANDREW FUREY LONG ISLAND NY.

OTHER DATA

INFORMATION REQUIRED

IF CONTROLLED



The package contains crude opium.

(Analysis made on 0.5 gram sample removed from inside of package,  
sample consumed in analysis).

*M. Weinberg*  
SIGNATURE OF CHEMIST

M. WEINBERG

*R. E. Lang*  
SIGNATURE OF CHIEF CHEMIST

R. E. LANG

DELIVER ARTICLE TO —	ENTER NAME OF PERSON YOU AUTHORIZE TO RECEIVE THE MAIL		
FORWARD TO ADDRESSEE AT —	ENTER FULL ADDRESS TO WHICH MAIL IS TO BE SENT		
SIGNATURE OF ADDRESSEE OR AGENT		DATE	RECEIVED GONE EXPIRED
OFFICE RECORD OF DISPOSITION WHEN DELIVERY CANNOT BE MADE			
<input type="checkbox"/> FORWARD TO ADDRESSEE <input type="checkbox"/> RETURNED TO SENDER (Name and Address)			
<input type="checkbox"/> UNCLAIMED <input type="checkbox"/> MOVED LEFT <input type="checkbox"/> REFUSED NO ADDRESS		OTHER (Specify) DATE	BY (Signature)

GPO: 1972 OF-455-235-643

NOTICE OF MAIL ARRIVAL  
OR ATTEMPTED DELIVERY

ARTICLE NO. \_\_\_\_\_

YOU MAY COME FOR MAIL IN PERSON AFTER \_\_\_\_\_. M. (Date)  
 Bring this notice—Identification and signature required.  
 REQUEST RE-DELIVERY—Notify your carrier or post office.

NAME AND ADDRESS  
*42 DREY FUREY  
 3 JEFFERY*

ARTICLE MAILED AT *FIRE 16*  REGISTERED  INSURED  
 CERTIFIED

RETURN RECEIPT Signature and date required  DELIVER TO ADDRESSEE ONLY  SHOW ALSO ADDRESS WHERE DELIVERED

RECEIVED BY *Ondrea Jeffrey*

FD Form 3849 DATE DELIVERED *12-19-72* DELIVERED BY (Signature)

Oct. 1971

RECEIVED  
DEC. 1972  
FIRE 16

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 -----x

4 UNITED STATES OF AMERICAN, :

5 -against- :

6 ANDREW FUREY, :

7 Defendant. :

8 -----y

9  
10 United States Courthouse  
11 Brooklyn, New York  
12 June 21, 1973  
13 2:00 p.m.

14

15

16

Before:

17

HONORABLE ORRIN G. JUDD, U.S.D.J.

18

19

20

21

22 ILENE GINSEBURG  
23 ACTING OFFICIAL COURT REPORTER

24

I hereby certify that the foregoing is  
a true and accurate transcript from my  
stenographic notes in this proceeding,

25

*Ilene Ginsburg*

Official Court Reporter  
U. S. District Court

1 APPEARANCES:

2

2 ROBERT A. MORSE, ESQ.,  
3 United States Attorney for the  
Eastern District of New York

4 BY: DAVID DE PETRIS, ESQ.,  
5 Assistant United States Attorney

6 JAMES FUREY, ESQ.,  
7 Attorney for Defendant

8       \* \* \*

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2 THE COURT: How did this get to be my  
3 case?

4 MR. DE PETRIS: I believe it is because  
5 you are the Miscellaneous Judge. It was put  
6 on the Miscellaneous calendar.

7 I believe today we are going to sign  
8 the consent form.

9 THE COURT: I see. All right.

10 Let's see. This is a charge against  
11 Andrew Furey.

12 How old are you?

13 THE DEFENDANT: 18.

14 THE COURT: When did you become 18?

15 THE DEFENDANT: Last April.

16 THE COURT: Is this a juvenile delinquent  
17 act, if he is over 18?

18 MR. DE PETRIS: He was under 18 at the  
19 time of the transaction.

20 THE COURT: How far did you go to school?

21 THE DEFENDANT: To the tenth grade, end  
22 of tenth grade.

23 THE COURT: Then you are able to under-  
24 stand the problems?

25 THE DEFENDANT: Yes.

1  
2 THE COURT: Have you been recently under  
3 the care of a doctor or psychiatrist?

4 THE DEFENDANT: No.

5 THE COURT: Have you recently been treated  
6 or hospitalized for narcotics addiction?

7 THE DEFENDANT: No.

8 THE COURT: Your father is here with you,  
9 and that is your mother?

10 MR. PUREY: I am the uncle, his father is  
11 deceased.

12 THE COURT: You are charged with knowingly  
13 and intentionally possessing a pound and a quarter  
14 of opium.

15 Now, you have a right not to say anything  
16 about the matter. We are here to see if you  
17 want to be committed as a juvenile. You may be  
18 committed for a period not exceeding your  
19 majority and you may not receive a sentence  
20 greater than authorized by statute which is 15  
21 years.

22 If you are found to be a delinquent, you  
23 would not be indicted by a Grand Jury or lose  
24 your civil rights but there will be a hearing.

25 If you want a jury you will have one and

1                   you can bring in witnesses.

2                   If you do not consent to that you can  
3                   be treated as a youthful offender which isn't  
4                   always done in drug cases.

5                   You would be under supervision for a  
6                   period up to six years.

7                   Have you had time to consider whether  
8                   you want to be proceeded against as a juvenile?

9                   THE DEFENDANT: Yes.

10                  THE COURT: Mr. De Petris, is the  
11                  Attorney General satisfied to have this person  
12                  prosecuted against as a juvenile?

13                  MR. DE PETRIS: Yes.

14                  THE COURT: I am sure you are satisfied  
15                  with your uncle to represent you?

16                  THE DEFENDANT: Yes.

17                  THE COURT: Once you consent to be  
18                  proceeded against as a juvenile you cannot change  
19                  your mind.

20                  You have discussed this with your uncle?

21                  THE DEFENDANT: Yes, your Honor.

22                  THE COURT: Have any promises or threats  
23                  been made to induce you to consent to being  
24                  proceeded against in this matter?

1                   THE DEFENDANT: No, your Honor.

2                   THE COURT: Hand me the forms.

3                   MR. DE PETRIS: Yes.

4                   THE COURT: All right, let Andrew sign  
5                   it.

6                   Then the information will be filed and  
7                   the case assigned in the regular course and  
8                   what do we do about custody in the meantime?

9                   MR. DE PETRIS: The defendant is presently  
10                  out on \$5,000 bail and we have no objection to  
11                  that.

12                  MR. FUREY: May I move to release it  
13                  at this time, your Honor. He is living with his  
14                  parents.

15                  THE COURT: All right.

16                  It is your responsibility to bring him  
17                  here, Mr. James Furey, and you are notified  
18                  of a hearing.

19                  MR. FUREY: Yes, thank you, your Honor.

20                  \* \* \*

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